

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**EPICREALM, LICENSING, LP, and  
PARALLEL NETWORKS LLC**

**V.**

**AUTOFLEX LEASING, INC., ET AL.**

**EPICREALM, LICENSING, LP, and  
PARALLEL NETWORKS LLC**

**V.**

**VARIOUS, INC.**

**Civil Action No. 5:07-CV-125-DF**

**Civil Action No. 5:07-CV-135-DF**

## ORDER

Before the Court is Defendants’ Motion to Strike the Supplemental Expert Report of Michael J. Wagner and the Second Supplemental Expert Infringement Report of Dr. David Finkel. Dkt. No. 627, Case No. 5:07-CV-125 (“Case No. 125”); Dkt. No. 241, Case No. 5:07-CV-135 (“Case No. 135”). Also before the Court are Plaintiffs’ response and Defendants’ reply. Dkt. No. 679, Case No. 125; Dkt. No. 291, Case No. 135; Dkt. No. 694, Case No. 125; Dkt. No. 305, Case No. 135. This motion was previously **GRANTED**. Dkt. No. 703, Case No. 125; Dkt. No. 312, Case No. 135.

In addition, before the Court is Defendants’ Motion to Exclude Expert Testimony Regarding Non-infringing Alternative. Dkt. No. 570, Case No. 125; Dkt. No. 187, Case No. 135. Also before the Court are Plaintiffs’ response and Defendants’ reply. Dkt. No. 617, Case No. 125; Dkt. No. 232, Case No. 135; Dkt. No. 628, Case No. 125; Dkt. No. 242, Case No. 135. This motion was previously **DENIED**. Dkt. No. 707, Case No. 125; Dkt No. 316, Case No. 135

Due to the busy nature of the Court's docket, written opinions on these motions have not yet

issued. The Court has considered the arguments of counsel and all relevant papers and pleadings, and will issue a written opinion on these matters before the entry of Final Judgment.

**SIGNED this 5th day of September, 2008.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE